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PROGRAMME PLANNING AND IMPLEMENTATION

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Report on the enabling political and social environment in Malawi, 1992-1993, and its effect on the implementation of the fifth country programme

Report of the Administrator

SUMMARY

In response to Governing Council decision 92/95, section II, of 19 May 1992, the present report provides a policy review, after one year, of the enabling political and social environment in Malawi and its effect on the implementation of the fifth country programme. The report is based on the findings of a fact-finding mission which visited Malawi in February 1993 and held consultations with government officials, national groups and the donor community. All parties consulted agreed that significant improvements had been made in the area of basic human rights.

The Administrator recommends that UNDP should continue the fifth country programme, maintaining its sharp focus on human development through poverty alleviation at the local level and should at the same time actively encourage and facilitate the process of political change and its contribution to the achievement of the programme goals. Four major areas of concentration have been approved and their implementation has begun to address the salient features of poverty in the country. The four areas are: smallholder agricultural productivity; small enterprise development; social development; and management for development.

1. The present report is submitted to the Governing Council pursuant to section II of its decision 92/25 of 19 May 1992 that there should be a "policy review, after one year, of the enabling social and political environment and its effect on the implementation of the (fifth country) programme".

I. FINDINGS OF THE MISSION

2. In response to decision 92/95, a fact-finding mission visited Malawi from 3 to 11 February 1993. The mission held consultations with government officials, the donor community and national pressure groups. The conclusions of the mission can be summarized as follows:

(a) Government officials stated that the concerns expressed by donors at the 1992 Consultative Group Meeting had been addressed and that the Government had gone beyond donor demands. The following were among the measures which they said that the Government had taken: the International Committee of the Red Cross (ICRC) had been given permission to visit prisons on a regular basis; UNDP had been requested to provide technical assistance to the Ministry of Justice; the Forfeiture Act had been amended to permit forfeiture of assets only after a court procedure, allowing citizens to have their case heard in the High Court of Malawi before which the particular minister would have to show due cause for invoking the Act. Concerning freedom of speech and the press, government officials indicated two positive changes: (i) the Penal Code relating to journalists had been amended, with a change in the maximum sentence for offences from the death penalty to five years' detention and (ii) the publication of two new newspapers had started. On the issue of a single-party system, the Life President had taken the initiative to schedule a national referendum. With regard to freedom of assembly, pressure groups could now campaign freely, provided that they obtained prior permission from the police to do so. A mechanism for facilitating dialogue between the Government and the pressure groups had been established (the Presidential Committee on Dialogue) and would meet with the Public Affairs Committee on all issues of public concern, whether related to the referendum or not. The meeting between the two committees held on 9 February had made progress and certain electoral issues had been resolved in line with recommendations of a United Nations technical report. The President had decided to postpone the date of the national referendum from 15 March to 14 June 1993, at the request of the Secretary-General, to enable the United Nations to coordinate the deployment of international observers;

(b) Government officials believed that the progress achieved in meeting donor concerns deserved acknowledgement by the donors, which would encourage the Government to continue with the process. They contended that any delay in resumption of aid would call into question donor credibility and intention;

(c) The donor community and the pressure groups acknowledged that significant changes in the areas concerned had been made over the past year; some felt that it was unlikely that there could be a return to previous conditions. A number of gains had been made in the area of basic human rights but much remained to be done. Donors and pressure groups welcomed government decisions (i) to call a national referendum on a single or multi-party system; (ii) to postpone holding the referendum until June 1993; and (iii) to seek United Nations assistance in this matter. They also accepted that at the

9 February meeting willingness had been demonstrated to act on outstanding technical matters and to achieve critical compromises;

(d) While it is recognized that the Government has taken steps to address some of the stated concerns of the donors, it should be noted that these changes have taken place only recently and not without difficulty and that some have not been consistently implemented. Nonetheless, changes desired by the donors have been made, and must be regarded as evidence that the Government recognizes that good governance and democracy are necessary for development and have to be supported. Developments between the present time and the referendum in June 1993 will give key indications of the depth of the commitment of the Government to these principles. As was stated in the mission report, a final determination that these developments are tangible and irreversible evidence of a basic transformation in the way Malawi approaches these matters should take into account the final phase of the referendum process.

II. RECENT DEVELOPMENTS

3. In March, following the Government's dialogue with pressure groups, the President announced that the original 12-member Referendum Commission would be expanded by the addition of eight new members from the pressure groups. An Executive Committee of the Referendum Commission was also established with four members from both sides, with authority to make policy decisions, as recommended by the United Nations January mission on the referendum. Although pressure groups were not fully satisfied that the reconstituted Commission ensured complete parity, its first meeting proved to be successful and procedures were agreed upon for decision-making sessions. Among the outstanding issues to be resolved were the use of one versus two ballot boxes and the use of media by both sides in the campaign.

4. By 15 April 1993, the referendum campaign was well under way and the Government and pressure group viewpoints were being expressed throughout the country. The Electoral Assistance Secretariat has been established.

III. THE COUNTRY PROGRAMME

5. There are grounds for prudent optimism as far as concerns the impact of political developments on the fifth country programme since it was approved by the Governing Council at its thirty-ninth session (1992). The programme is focused on human development through poverty alleviation at the local level. Its basic premise is that poverty alleviation must occur from the bottom up, with the maximum participation of people and their leaders in the districts and villages. The programme is designed to build capacities and open up new opportunities for people to assume responsibility for their own development. The opening up of the political environment and a consequent enhanced role for local people in the development process could have a very direct and constructive influence on the fifth country programme. All four areas of concentration of the country programme have been approved and their implementation has started. They address the salient features of poverty in the country and focus on small agricultural productivity; small enterprise development; social development; and management for development.

6. Based on the Governing Council's guidance and mandate that UNDP should promote and support good governance as an essential framework for achieving development objectives, UNDP in Malawi has actively assumed this additional role by arranging for United Nations technical advice to the referendum process, by facilitating the coordination of donors in this area, and by committing $530,000 in indicative planning figure (IPF) funds to put in place a United Nations Team for the coordination and support of international observers. This new initiative has been welcomed by the Government, pressure groups and donors; it may be continued and even extended beyond the referendum and may include support for judicial and prison reform, which UNDP is fostering through consultations; an assessment mission from the United Nations Centre for Human Rights has also been planned.

IV. RECOMMENDATION OF THE ADMINISTRATOR

7. The past few months have been one of historic political activity and change in Malawi. This change has not been realized without difficulty, including the continued imprisonment of political opponents, the banning of newspapers and the outbreak of violence. Notwithstanding these setbacks, it may be recognized that the Government has responded to donor concerns by initiating a process of change in basic freedoms and human rights. Whether the changes taking place are indeed irreversible and will be further expanded can be answered only over time. What can be said at the present is that Malawi is witnessing an emerging political climate that holds promise for a more democratic system of government.

8. In the light of the apparent positive changes in Malawi's social and political situation, the Administrator recommends that UNDP should continue the fifth country programme, maintaining its sharp focus on human development through poverty alleviation and should at the same time actively encourage and facilitate the process of political change and its contribution to the achievement of the programme goals. The successful implementation of the fifth country programme will require continued positive change in the social and political situation and the resumption of external resource flows. Bilateral and multilateral aid will be required not only to provide complementary financing for UNDP-supported programmes but also to assist government development institutions. Donors have indicated that decisions on the resumption of aid will be taken in the light of the results of the referendum in June. Should this not materialize, the Administrator will again bring the matter to the attention of the Governing Council.